



CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov



CALIFORNIA STATE PERSONNEL BOARD MEETING
San Francisco Civic Center
455 Golden Gate Avenue
San Francisco, California 94102
(415) 703-4100 FAX (415) 703-4604

Public Session Location - Room 9
Closed Session Location - Room 10

TWO-DAY BOARD MEETING - DECEMBER 3-4, 2002

FULL BOARD MEETING MINUTES**

DECEMBER 3, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER -Walter Vaughn

The Board was advised of the following:

- A. Interviews for the vacant Legislative Coordinator position are scheduled for December 6, and 9, 2002.
- B. State Personnel Board staff will participate in a conference scheduled by the Latino Journal concerning the intent and implementation of SB 1045 (Polanco) concerning outreach programs.

**The State Personnel Board Summary Minutes can be obtained at the following Internet address:

<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>



- C. The State Personnel Board was advised of the departments response to a recent directive from the Department of Finance to reduce, cancel or disencumber nonessential contracts and eliminate nonessential travel. The State Personnel Board was also advised of recent press coverage of our response.
- D. Bill Heal, Chief of the State Personnel Board Appeals Division will retire on December 22, 2002.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

Supreme Court and Court of Appeal:

- A. Moosa v. State Personnel Board (SPB)/California State University (CSU) - CSU has filed Petition for Review with the California Supreme Court. SPB has filed a petition for depublication in this case involving the issue of whether an employee can refuse to obey an order based on a belief that the order contravenes provisions in a collective bargaining agreement.
- B. SPB v. Department of Personnel Administration (DPA)/California Department of Forestry Firefighters(CDF); SPB v. DPA/International Union of Operating Engineers (IUOE)/California State Employee Association (CSEA); Association of California State Attorneys & Administrative Law Judges (ACSA) v. DPA - Third District Court of Appeal has consolidated the above cases that deal with the issue of whether the bargained grievance/arbitration procedures that replace SPB review of discipline are constitutional.
- C. Caunin v. SPB - Caunin has filed a petition for rehearing with the Fourth District Court of Appeal, which court recently ruled against him.
- D. Henderson v. SPB/California Youth Authority - Third District Court of Appeal heard oral argument. One significant issue to court was weight to be given to administrative law judge credibility determinations.
- E. Terhune v. Vaughn/Villanueva - Court of Appeal corrected its decision that had erroneously stated that Court of Appeal applies independent judgment test in reviewing SPB decisions.
- F. Connell v. CalPERS - Third District Court of Appeal held oral argument on November 13, 2002 in this case dealing with the issue of whether CalPERS has the

authority to designate certain positions as exempt and set the salaries.

- G. Cambra v. McCormick - After considering supplemental briefs filed by the Department of Corrections, Court of Appeal dismissed this appeal of a SPB decision finding that Corrections prevailed in superior court and had no grounds for appeal. In this precedential case the Board found it had jurisdiction to decide violations of Peace Officer Procedural Bill of Rights (POBOR) and dismissed an adverse action on grounds it was untimely served under the POBOR statute. The trial court had agreed SPB had jurisdiction but found that the action was timely served. Corrections wanted to challenge the former finding.

Superior Courts:

- H. Ortega v. SPB - Superior court sustained SPB's demurrer and dismissed the action.
- I. IUOE v. SPB (Public Employment Relations Board[PERB]) - PERB issued decision denying SPB's motion for stay and for reconsideration of its decision reinstating complaint after dismissal. SPB's Motion to Dismiss complaint will be set for hearing before PERB administrative law judge.
- J. Singh v. SPB - A San Bernardino superior court denied a petition for writ of mandate challenging SPB's decision denying complaint for discrimination and retaliation.
- K. Arnold v. SPB - New writ of mandate filed in this case challenging Board precedential decision sustaining a dismissal of appellant who tested positive for marijuana.
- L. Teale v. SPB(Lopez) - Superior court denied writ in this case in which SPB had modified a dismissal to a 30 days' suspension. Teale had asked for a new hearing based on newly discovered evidence.
- M. IUOE v. Prison Industries, DPA (Lunsford) - New action to confirm arbitration award in discipline case. SPB is seeking intervention in the action.
- N. Department of Justice v. SPB (Peter Smith) - Writ of mandate denied by superior court which held that SPB did not abuse its discretion in modifying the penalty to a 30 days suspension.

4. REPORT ON LEGISLATION

No Report given

5. ELECTION OF OFFICERS

The Board unanimously elected the following members to office beginning January 1, 2003:

ACTION: On December 4, 2002, William Elkins was elected President, Ron Alvarado elected Vice President and Sean Harrigan re-elected as PERS representative.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

6. HEARING

TEACHER STATE HOSPITAL (SEVERELY HANDICAPPED-DEVELOPMENTALLY DISABLED-SAFETY)

TEACHER, STATE HOSPITALS (SAFETY) (VARIOUS SPECIALTIES)
The Departments of Mental Health and Developmental Services request to re-title single classification of the Teacher, State Hospitals (Severely Handicapped-Developmentally Disabled-Safety) to the series classification of Teacher, State Hospitals (Safety) (Various Specialties); to revise the proposed class series to include additional parenthetical classes; to designate all the classes as sensitive under the State Personnel (SPB) Rule 213; and obtain authorization to include drug testing prior to appointment as a minimum qualification in the class specification.

Persons Participating:

Martha Esmael, Staff, California State Personnel Board
Beth Meneely, Acting Personnel Officer, Department of Developmental Services
Charlie Oncea, M.S., Program Director, Napa State Hospital, Department of Mental Health
Kay Haralson, Manager, Department of Developmental Services

ACTION: Submitted

7. HEARING

VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

The Department of Mental Health and the Department of Developmental Services request that the classifications Vocational Instructor (Safety) (Various Specialties) to include additional parenthetical classes be designated as sensitive for the purpose of pre-employment drug testing under the provision of State Personnel Board (SPB) Rule 213.

Persons Participating:

Martha Esmael, Staff, California State Personnel Board
Beth Meneely, Acting Personnel Officer, Department of
Developmental Services
Charlie Oncea, M.S., Program Director, Napa State Hospital,
Department of Mental Health
Kay Haralson, Manager, Department of Developmental Services

ACTION: Submitted

8. ORAL ARGUMENT - LEONARD GRILL, CASE NO.
02-1166. Appeal from ten percent reduction in salary for
nine pay periods. Department of Forestry and Fire
Protection.

Persons Participating:

Bruce Crane, Staff Counsel, representing Department of
Forestry and Fire Protection
Leonard Grill, Fire Captain, Pro Per

ACTION: Submitted

A D J O U R N M E N T



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CONCURRENT BOARD MEETING MINUTES

DECEMBER 4, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. ORAL ARGUMENT

Oral argument in the matter of RUFUS LINDSEY, CASE NO.
01-3651. Appeal from dismissal. Department of Corrections.

Persons Participating:

Wesley Travis, Staff Counsel, representing Department of
Corrections
Jeffrey A. Diamond, Staff Legal Counsel, California
Correctional Peace Officers Association, representing
appellant

ACTION: Submitted

3. ORAL ARGUMENT

Oral argument in the matter of VICTORIA MCCOY CASE NO.
01-3372. Appeal from dismissal. Department of Corrections.

Persons Participating:

James D. Madison, Senior Staff Counsel, representing
Department of Corrections
J. Felix De La Torre, Attorney at Law, Van Bourg, Weinberg,
Roger & Rosenfeld, representing appellant

ACTION: Submitted

4. ORAL ARGUMENT

Oral argument in the matter of TIM SUTHERLAND CASE NO.
01-3777. Appeal from six months suspension. California
Youth Authority.

Persons Participating:

Van Kamberian, Staff Counsel, representing the Department of
the Youth Authority
Michelle L. Hoy, Staff Legal Counsel, California Correctional
Peace Officers Association, representing appellant

ACTION: On December 4, 2002, Board adopted the
Administrative Law Judge's proposed decision sustaining the
six month suspension.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

5. ORAL ARGUMENT

Oral argument in the matter of DAVID NUNEZ CASE NO.
98-3145. Appeal from five percent reduction in salary for six
months. Department of Corrections.

Persons Participating:

James D. Madison, Senior Staff Counsel, representing Department of
Corrections
Wendall Llopis, Attorney at Law, representing appellant

ACTION: Submitted

BOARD ACTIONS

6. STATE PERSONNEL BOARD SUMMARY MINUTES OF NOVEMBER 6, 2002

ACTION: Adopted on December 4, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

7. ACTION ON SUBMITTED ITEMS

See pages 19-20.

8. ADMINISTRATIVE LAW JUDGE CASES

On December 4, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

CHIEF COUNSEL RESOLUTION

DAVID GONZALEZ, CASE NO. 00-1377E

Appeal from discrimination/retaliation

Carpenter II

Department of Corrections

ACTION: State Personnel Board adopted Chief Counsel's resolution remanding case to the Administrative Law Judge for further proceedings

PROPOSED DECISIONS

WILLIAM HOWARD BUHK, CASE NO. 01-3521

Appeal from dismissal

Youth Correctional Officer

DeWitt Nelson - Youth Correctional Facility

Department of the Youth Authority

ACTION: Dismissal modified to a six-month suspension

MARIO BORROEL, CASE NO'S 00-0229E & 00-0276E

Request to file charges by James Roering and David Huerta, complainants

Correctional Sergeant

Imperial - State Prison

Department of Corrections

ACTION: One-step reduction in salary for six pay periods imposed

CHRISTOPHER R. CALVO, CASE NO. 02-0632

Appeal from dismissal

Officer

Department of California Highway Patrol

ACTION: Dismissal sustained

FRANCISCO CAMPOS, CASE NO. 02-2818

Appeal from dismissal

Highway Maintenance Worker

Department of Transportation

ACTION: Dismissal sustained

ANGELICA CHAVEZ, CASE NO. 02-0898

Appeal from dismissal

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Dismissal modified to a six months suspension

JULIEANN CHAVEZ, CASE NO. 01-3935

Appeal from 60 calendar days suspension

Correctional Lieutenant

Jamestown - Conservation Center

Department of Corrections

ACTION: 60 calendar days suspension modified to 30 calendar days suspension

RICHARD COELHO, CASE NO. 02-1796

Appeal from constructive

medical termination

Fish and Game Warden

Department of Fish and Game

ACTION: Appeal for constructive medical termination granted

SALVADOR CRUZ

Appeal from rejection during
probationary period

Employment Program Representative

Employment Development Department

ACTION: Rejection during probationary period sustained

DEAN C. EDELBURG, CASE NO. 01-3522

Appeal from dismissal

Correctional Officer

Chino - California Institution for Men

Department of Corrections

ACTION: Dismissal sustained

ERNESTINE FORREST, CASE NO. 00-1274

Appeal from dismissal

Corporations Counsel

Department of Corporations

ACTION: Dismissal modified to a formal reprimand

ERNESTINE FORREST, CASE NO. 00-1274

Appeal from six work weeks suspension

Corporations Counsel

Department of Corporations

ACTION: Six work weeks suspension modified to one work week suspension

THOMAS R. GEE, CASE NO. 02-1141

Appeal from dismissal

Toll Collector

Department of Transportation

ACTION: Dismissal sustained

ROBERT HALL, CASE NO. 02-2027

Appeal from dismissal

Correctional Officer

Solano - California State Prison

Department of Corrections

ACTION: Dismissal modified to a one-month suspension

FRANK HURTADO, CASE NO. 01-3980

Appeal from dismissal

Correctional Officer

Blythe - Valley State Prison

Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

KENNETH L. KOSS, CASE NO. 01-3131

Appeal from termination

Division Director(Career Executive Assignment IV)

Public Utilities Commission

ACTION: CEA termination revoked

BARBARA LENOUE, CASE NO. 01-3441

Appeal from dismissal

Psychiatric Technician

Pomona - Developmental Center

Department of Developmental Services

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

DAVID NEWTON, CASE NO. 99-1618

Appeal from dismissal

Correctional Officer

Susanville - High Desert State Prison

Department of Corrections

ACTION: Dismissal sustained

NICK E. NUNEZ, CASE NO. 02-1672

Appeal from five percent reduction

in salary for six pay periods

Youth Correctional Officer

Stockton - Youth Correctional Facility

Department of the Youth Authority

ACTION: Five percent reduction in salary for six pay periods sustained

CURTIS SHARPS, CASE NO. 01-4340
Appeal from dismissal
Correctional Officer
at Salinas Valley State Prison
Department of Corrections
ACTION: Dismissal modified to a 30 calendar days suspension

GEORGE SHINN, CASE NO. 02-1377
Appeal from formal reprimand
Plumber II, (CF)
Norco - California Rehabilitation Center
Department of Corrections
ACTION: Formal reprimand sustained

KIM SILCOX, CASE NO. 02-2679
Appeal from rejection during
probationary period
Correctional Officer
Galt - Correctional Training Center
Department of Corrections
ACTION: Rejection during probationary period set aside

YA-PING TSAI, CASE NO. 02-2586
Appeal from dismissal
Psychiatric Technician Assistant
Agnews Developmental Center,
Department of Developmental Services
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

RICHARD CASEY, CASE NO. 02-2193
Appeal from 12 work days suspension
Correctional Lieutenant
Tehachapi - California Correctional Institution
Department of Corrections
ACTION: 12 work days suspension sustained

JOHN GOMEZ, CASE NO. 99-1878B
Appeal for back salary determination
After revocation of demotion
Correctional Captain
Soledad - Correctional Training Center
Department of Corrections
ACTION: Request for attorney fees denied

ALAN C. LAGDAAN, CASE NO. 02-2492
Appeal from five percent reduction
in salary for six months
Correctional Officer
Imperial - State Prison
Department of Corrections
ACTION: Five-percent reduction in salary for six months
revoked

THALAVAIPALAYAM SOUNDARAJAN, CASE NO. 02-1953
Appeal from dismissal
Physician and Surgeon (Correctional Facility)
San Diego - Correctional Facility
Department of Corrections
ACTION: Dismissal revoked

DAVID BROWN, CASE NO. 01-3918
Appeal from dismissal
Officer
Department of California Highway Patrol
ACTION: Dismissal sustained

KARIN FETHERSTON, CASE NO. 02-1762
Appeal from three working days suspension
Senior Investigator
Medical Board of California
Department of Consumer Affairs
ACTION: Three working days suspension sustained

KONSTANTINOS DINOYANNIS, CASE NO. 01-2735, 01-3415E
Appeal from 12 month reduction in salary
from Step Three of Salary Range B to
Step One of Salary Range A
and whistleblower/retaliation complaint
Research Analyst I
Department of Industrial Relations
ACTION: 12 month reduction in salary from Step Three of
Salary Range B to Step One of Salary Range A modified to a
five percent reduction in salary for 12 months and
whistleblower/retaliation complaint dismissed

ALICE RODRIGUEZ, CASE NO. 02-0475
Appeal from five percent reduction
in salary for three months
Disability Evaluation Analyst
Department of Social Services
ACTION: Five percent reduction in salary for three months
modified to an official formal reprimand

PETITION FOR REHEARING

PATRICK M. BARBER, CASE NO.00-3940B
For determination of back salary, benefits, and interest
after five working days suspension
Youth Correctional Counselor
Chino - Youth Correctional Facility
Department of the Youth Authority
ACTION: Petition for rehearing filed by appellant granted

HUGH McGRADE, CASE NO. 00-3518P
Appeal of whistleblower retaliation
Hazardous Substances Scientist
Department of Toxic Substances Control
ACTION: Petition for rehearing filed by appellant denied.
Request for delay in ruling on petition denied.

CRAIG SWAN, CASE NO. 01-4208P
Appeal from rejection during probationary period
Correctional Counselor I
Corcoran - State Prison
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

VAROOZH TOROSSIAN, CASE NO. 02-1147
Appeal from non-punitive termination
Transportation Engineer (Civil)
Department of Transportation
ACTION: Petition for rehearing filed by appellant granted

DENNIS VALENTINO, CASE NO. 02-1949
Appeal from suspension of six days or more
Pest Control Specialist
California State University
ACTION: Petition for rehearing filed by appellant denied.

LINDA WILLIAMS, CASE NO. 01-2936
Appeal from medical termination
Office Technician (Typing)
Department of Social Services
ACTION: Petition for rehearing filed by respondent denied.
Reply not accepted for filing.

BEVERLY WILSON, CASE NO. 01-2614
Appeal from ten working days suspension
Administrative Support Assistant II
Dominquez Hills - State University
California State University
ACTION: Petition for rehearing filed by appellant denied.
Reply not accepted for filing.

9. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 21-23.

10. WITHHOLD APPEALS

On December 4, 2002, the Board adopted the following
decisions presented by Walter Vaughn, Executive Officer,
California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

RUBEN ACOSTA, CASE NO. 02-1029

Classification: Correctional Officer
Department of Corrections

ACTION: DENIED

CRESERMIO ANCHETA, CASE NO. 02-1102

Classification: Youth Correctional Officer
California Youth Authority

ACTION: DENIED

JOEL ARJONA, CASE NO. 02-1033

Classification: Cadet, CHP
California Highway Patrol

ACTION: DENIED

BONNIE BASIC, CASE NO. 02-0619

Classification: Communications
Operator II, CHP
California Highway Patrol

ACTION: DENIED

MICHAEL BETTENCOURT, CASE NO. 02-1062

Classification: Correctional Officer
Department of Corrections

ACTION: DENIED

BENJAMIN BORUNDA, CASE NO. 02-0135

Classification: Youth Correctional Counselor
California Youth Authority

ACTION: DENIED

SOLOMON CHRISTIAN III, CASE NO. 02-0718

Classification: Correctional Officer
Department of Corrections

ACTION: DENIED

EDGAR CRUZ, JR., CASE NO. 02-0701
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CRAIG CULLEN, CASE NO. 02-0697
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CASEY DENYS, CASE NO. 02-0802
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

DENNIS EALY, SR., CASE NO. 02-0706
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

CURTIS GADSON, CASE NO. 02-0962
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

AARON GARCIA, CASE NO. 02-0868
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

VICTOR GIGNAC, CASE NO. 02-0967
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ADRIAN GOODHEART, CASE NO. 02-0664
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LISA GRIDER, CASE NO. 02-1007
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

KRISTINA HERNANDEZ, CASE NO. 01-0604
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

ROBIN KOHSE, CASE NO. 02-0205
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

LUIS MACIAS, CASE NO. 02-0484
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

KENNETH MCFARLAND, CASE NO. 02-0400
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PAUL MCMAHON, CASE NO. 02-0755
Classification: Motor Carrier Specialist I
California Highway Patrol
ACTION: WITHDRAWN

ROBERT MENDONSA, CASE NO. 02-0849
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

KERRY MILER, CASE NO. 02-0751
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LINDA MULLENHOUR, CASE NO. 02-1227
Classification: Youth Correctional Counselor
California Youth Authority
ACTION: GRANTED

ANTHONY NAGY, CASE NO. 02-0404
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOSEPH NIGRO, CASE NO. 02-1561
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOHN NORTHCUTT, CASE NO. 01-2513
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MANUEL PANTOJA, CASE NO. 02-1042
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RALPH PAULS, CASE NO. 02-0219
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

STEVEN RAMOS, CASE NO. 02-0565
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

JEAN RANGEL, CASE NO. 02-0835
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JOAQUIN RANGEL, CASE NO. 02-0410
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PATRICIA RANGEL, CASE NO. 02-1056
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JOSE ROBLEDO, CASE NO. 02-0397
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

NUVIA RUVALCABA, CASE NO. 02-0282
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CHARLESETTA SWAIN, CASE NO. 02-0736
Classification: Associate Governmental
Program Analyst
Employment Development Department
ACTION: DENIED

MARY TOFFLEMIRE-JENKINS, CASE NO. 02-0592
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

CARMEN TORRES, CASE NO. 02-0589
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MARCOS VALDOVINOS, CASE NO. 02-0590
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

DANIEL VASQUEZ, CASE NO. 02-0859
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ROBERT ZAMORA, CASE NO. 01-3879
Classification: Correctional Officer
Department of Corrections
Action: DENIED

11. MEDICAL APPEALS

On December 4, 2002, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

GERARDO ANTONIO-ZEPEDA, CASE NO. 02-3627
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

HARNICK ATWAL, CASE NO. 02-2032
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DISMISSED

THOMAS FONVILLE, CASE NO. 02-1128
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

STEVEN PAGE, CASE NO. 02-0423
Classification: Commercial Vehicle
Inspector Specialist I
California Highway Patrol
ACTION: DENIED

JUAN RODRIGUEZ, CASE NO. 02-1742
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

12. MERIT ISSUE COMPLAINTS

On December 4, 2002, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

ROBERT DUNCAN, CASE NO. 00-1167
Classification: Special Investigator I,
Food and Drug Investigator
Department of Health Services
ACTION: DENIED

13. REQUEST TO FILE CHARGES CASES

On December 4, 2002, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

DELMER ALBRIGHT, CASE NO. 01-4165
Classification: Unit Chief
Forestry and Fire Protection
ACTION: DENIED

YOLANDA ANDERSON, CASE NO. 02-0515
Classification: Correctional Sergeant
Department of Corrections
ACTION: DENIED

SHEILA DEVORE, CASE NO. 02-0102
Classification: A former employee
of the Franchise Tax Board
ACTION: DENIED

JAMES FRASCHE, CASE NO. 02-0660
Classification: An employee of the
State Air Resources Board
ACTION: DENIED

DON MARRIOT, ET AL, CASE NO. 01-1940G
Classification: Vocational Institution -
Welding, Correctional Facility
Department of Corrections
ACTION: DENIED

14. NON-HEARING CALENDAR

On December 4, 2002, the Board adopted item A. Items B and C were taken under submission. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

A. TRANSPORTATION ENGINEER TECHNICIAN
TRANSPORTATION ENGINEER I
TRANSPORTATION ENGINEER II

The Department of Transportation requests to revise the existing class of Transportation Engineering Technician by changing the class title to Transportation Engineering Technician I and eliminate the construction inspection tasks from this class. The Department of Transportation requests to establish the new class of Transportation Engineering Technician II and move the construction inspection tasks to the II level.

B. TEACHER, STATE HOSPITALS (SEVERELY
HANDICAPPED-DEVELOPMENTALLY DISABLED-SAFETY)
TEACHER, STATE HOSPITALS (SAFETY) (VARIOUS SPECIALITIES)

The Departments of Mental Health and Developmental Services request to re-title single classification of the Teacher, State Hospitals (Severely Handicapped-Developmentally Disabled-Safety) to the series classification of Teacher, State Hospitals (Safety) (Various Specialties) to revise the proposed class series to include additional parenthetical classes, to add the Safety requirement and establishment of a 12-month probationary period.

C. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

The Department of Mental Health and the Department of Developmental Services request to re-title classification of Vocational Instructor (Safety) (Various Specialties) to include additional parenthetical classes, to include the Safety requirement and the establishment of a 12-month probationary period.

15. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following actions:

A. SUPERVISING COOK I, (CF)
CORRECTIONAL SUPERVISING COOK, (CF)

The Department of Corrections request to re-title and revise the classification Supervising Cook I (Correctional Facility) to Correctional Supervising

Cook (Correctional Facility) and revise all related classification specifications with the title Supervising Cook I (Correctional Facility) included in the language.

B. LANDSCAPE TECHNICIAN
JUNIOR ENGINEERING TECHNICIAN,
DRAFTING SERVICES AID, RANGE B OR
DELINEATOR

The Department of Transportation requests to change the minimum qualifications for the Landscape Technician classification. Presently, Pattern I requires two years experience in the class of Junior Engineering Technician, Drafting Services Aid, Range B, or Delineator, the proposed change would require two years of experience in the California state service working in a landscape architecture unit performing duties comparable to those of a Junior Engineering Technician, Drafting Services Aid, Range B or Delineator. In addition, Pattern II and IV are being revised to reflect a change in the name of the institution responsible for accrediting colleges and universities and the appropriate governing code.

ACTION: Noted

16. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) PROGRAM MANAGER, FOR MOTOR VEHICLE GREENHOUSE GAS EMISSION REDUCTION

The California Air Resources Board proposes to allocate the above position to the CEA category. The Program Manager for Motor Vehicle Greenhouse Emission Reduction directs the work of a multi-disciplinary team, assembled across the Air Resources Board divisional boundaries, that develops policies and strategies for consideration by the Board to fulfill its ongoing responsibilities for control of greenhouse gas emissions from motor vehicles.

(2) ASSISTANT SECRETARY, EXTERNAL AFFAIRS

The California Health & Human Services Agency proposes to allocate the above position to the CEA category. The Assistant Secretary, External Affairs serves as the principal advisor to the Associate Secretary, External Affairs on public relations and public information policy matters

for the CHHSA and transmits Agency public information and public affairs policy to departments and coordinates interdepartmental activities on critical policy issues.

- (3) ASSISTANT DIRECTOR, OFFICE OF PROGRAM COMPLIANCE
The Department of Youth Authority proposes to allocate the above position to the CEA category. The creation of the Office of Program Compliance and the creation of the Assistant Director, Office of Program Compliance will give the California Youth Authority the ability to internally assess statewide compliance with statutes, regulations, policies and procedures.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) CHIEF, DEPUTY DIRECTOR
The Electricity Oversight Board's request to allocate the above position to the CEA category has been disapproved effective October 23, 2002.
- (2) PRINCIPAL DEPUTY LEGISLATIVE
The Legislative Counsel Bureau's request to allocate the above position to the CEA category has been approved effective October 23, 2002.
- (3) GENERAL COUNSEL
The Department of Industrial Relations request on behalf of the Labor and Workforce Agency to allocate the above position to the CEA category has been approved effective October 29, 2002.
- (4) ASSOCIATE SECRETARY, FISCAL POLICY AND ADMINISTRATION
The Department of Industrial Relations request on behalf of the Labor and Workforce Agency to allocate the above position to the CEA category has been approved effective October 29, 2002.
- (5) ASSISTANT SECRETARY, INNOVATION TECHNOLOGIES
The Department of Industrial Relations request on behalf of the Labor and Workforce Agency to allocate the above position to the CEA category has been approved for a three year period effective October 30, 2002.

- (6) ASSISTANT SECRETARY, PROGRAM INTEGRATION AND
POLICY DEVELOPMENT
The Department of Industrial Relations request on
behalf of the Labor and Workforce Agency to
allocate the above position to the CEA category
had been approved for a three year period effective
October 30, 2002.
- (7) ASSISTANT SECRETARY, ECONOMIC DEVELOPMENT AND
EVALUATION
The Department of Industrial Relations request on
behalf of the labor and Workforce Agency to
allocate the above position to the CEA category
has been approved effective November 8, 2002.
- (8) CHIEF INFORMATION SECURITY OFFICER/DIVISION CHIEF
INFORMATION SECURITY AND OPERATIONAL RECOVER
DIVISION
The Stephen P. Teale Data Center's request to
allocate the above position to the CEA category
has been approved effective November 1, 2002.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. EXPEDITED HEARINGS - PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4. (Hearing held May 7, 2002).

NO ACTION

2. ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD. PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63. (Hearing held May 7, 2002).

NO ACTION

3. Status of the State's Decentralized Testing. (Hearing held July 9, 2002).

NO ACTION

4. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

5. BRIAN JONES, CASE NO'S 99-3883 & 00-4930. Appeal from dismissal. State Fair Exposition. (Oral argument held October 8, 2002).

NO ACTION

6. MARSHALL HAVNER, CASE NO. 01-3111B. Appeal from backpay. Department of Developmental Services. (Oral argument held October 8, 2002).

ACTION: On December 4, 2002, adopted Board decision denying request for backpay.

VOTE:, Alvarado, Elkins, Bos, Harrigan - Aye.

7. YOLANDO CANEDO, CASE NO. 00-4072. Appeal from discrimination complaint. Department of Corrections. (Oral argument held October 8, 2002).

ACTION: On December 4, 2002, adopted Board decision denying discrimination/retaliation appeal.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

8. ROMONDO SIZEMORE, CASE NO. 00-0418B. Appeal from backpay. Department of Corrections. (Oral argument held October 8, 2002).

NO ACTION

9. MERIT SELECTION MANUAL. (Hearing held November 6, 2002).

NO ACTION

10. LULU MAE HEIGHT-TIGNER, CASE NO. 00-3414E. Appeal from constructive termination. Department of Corrections. (No oral argument held, written testimony presented November 6, 2002).

ACTION: On December 4, 2002, adopted Board decision ordering reinstatement with back pay, benefits and interest.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

11. PATRICIA SABATO-JONES, CASE NO. 01-3789. Appeal from dismissal. Unemployment Insurance Board. (Oral argument held November 6, 2002).

NO ACTION

12. WENDYLIN DONALD. CASE NO. 00-3953. Appeal of rejection during probationary period. Department of Mental Health. (Oral argument held November 6, 2002).

ACTION: On December 4, 2002, adopted Board decision revoking rejection.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

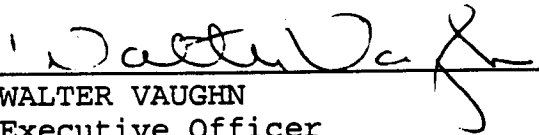
WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on December 4, 2002.


WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

